Bill No. <u>HB 4167</u>

Amendment No. ____

CHAMBER ACTION

<u>Senate</u>   <u>House</u>

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11 Senator Hargrett moved the following amendment to amendment

12 (684958):

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14 **Senate Amendment (with title amendment)**

15   On page 5, after line 31,

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17 insert:

18   Section 9. Subsection (6) of section 415.107, Florida

19 Statutes, is amended to read:

20   415.107 Confidentiality of reports and records.--

21   (6) The identity of any person reporting adult abuse,

22 neglect, or exploitation may not be released, without that

23 person's written consent, to any person other than employees

24 of the department responsible for adult protective services,

25 the central abuse registry and tracking system, or the

26 appropriate state attorney <u>or law enforcement agency</u>. This

27 subsection grants protection only for the person who reported

28 the adult abuse, neglect, or exploitation and protects only

29 the fact that the person is the reporter. This subsection does

30 not prohibit the subpoena of a person reporting adult abuse,

31 neglect, or exploitation when deemed necessary by the state

1 attorney or the department to protect a disabled adult or an

2 elderly person who is the subject of a report, if the fact

3 that the person made the report is not disclosed.

4   Section 10. Present subsections (4) and (5) of section

5 415.111, Florida Statutes, are redesignated as subsections (5)

6 and (6), respectively, and amended, and a new subsection (4)

7 is added to that section, to read:

8   415.111 Criminal penalties.--

9   (4) If the department or its authorized agent has

10 determined after its investigation that a report is false, the

11 department shall, with the consent of the alleged perpetrator,

12 refer the reports to the local law enforcement agency having

13 jurisdiction for an investigation to determine whether

14 sufficient evidence exists to refer the case for prosecution

15 for filing a false report as defined in s. 415.102. During the

16 pendency of the investigation by the local law enforcement

17 agency, the local law enforcement agency must respond to all

18 subsequent reports concerning the same disabled adult or

19 elderly person in accordance with s. 415.104 or s. 415.1045.

20 If the law enforcement agency believes that there are

21 indicators of abuse, neglect, or exploitation, it must

22 immediately notify the department, which must assure the

23 safety of the disabled adult or elderly person. If the law

24 enforcement agency finds sufficient evidence for prosecution

25 for filing a false report, it must refer the case to the

26 appropriate state attorney for prosecution.

27   (5)(4) A person who knowingly and willfully makes a

28 false report of abuse, neglect, or exploitation of a disabled

29 adult or an elderly person, or a person who advises another to

30 make a false report, commits a felony of the third misdemeanor

31 of the second degree, punishable as provided in s. 775.082 or

1 s. 775.083.

2   (a) The department shall establish procedures for

3 determining whether a false report of abuse, neglect, or

4 exploitation of a disabled adult or an elderly person has been

5 made and for submitting all identifying information relating

6 to such a false report to the local law enforcement agency as

7 provided in this subsection and shall report annually to the

8 Legislature the number of reports referred state attorney for

9 prosecution.

10   (b) Anyone making a report who is acting in good faith

11 is immune from any liability under this subsection.

12   (6)(5) Each state attorney shall establish and publish

13 procedures to facilitate the prosecution of persons under this

14 section and shall report to the Legislature annually the

15 number of complaints that have resulted in the filing of an

16 information or indictment under this section.

17   Section 11. Subsection (1) of section 415.1113,

18 Florida Statutes, is amended to read:

19   415.1113 Administrative fines for false report of

20 abuse, neglect, or exploitation of a disabled adult or an

21 elderly person.--

22   (1) In addition to any other penalty authorized by

23 this section, chapter 120, or other law, the department may

24 impose a fine, not to exceed$10,000$1,000 for each

25 violation, upon a person who knowingly and willfully makes a

26 false report of abuse, neglect, or exploitation of a disabled

27 adult or an elderly person, or a person who counsels another

28 to make a false report.

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30 (Redesignate subsequent sections.)

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 1  =============== T I T L E   A M E N D M E N T ===============
 2  And the title is amended as follows:
 3        On page 7, line 5, after the semicolon
 4
 5  insert:
 6        amending s. 415.107, F.S.; authorizing the
 7        Department of Children and Family Services to
 8        provide the identity of a person reporting
 9        adult abuse, neglect, or exploitation to a law
10        enforcement agency; amending s. 415.111, F.S.;
11        providing for investigation by local law
12        enforcement agencies of possible false reports;
13        providing for law enforcement entities to
14        handle certain reports of abuse, neglect, or
15        exploitation during the pendency of such an
16        investigation; providing procedures; providing
17        for law enforcement agencies to refer certain
18        reports to the state attorney for prosecution;
19        specifying the penalty for knowingly and
20        willfully making or advising another to make a
21        false report; providing for the Department of
22        Children and Family Services to report annually
23        to the Legislature the number of reports
24        referred to law enforcement agencies for
25        investigation of possible false reports;
26        providing for state attorneys to report
27        annually to the Legislature the number of
28        complaints that have resulted in informations
29        or indictments; amending s. 415.1113, F.S.;
30        increasing the maximum amount of the
31        administrative fine that may be imposed for
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1   knowingly and willfully making or counseling

2   another to make a false report;

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